

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
 CIVIL DOCKET ENTRIES FOR CASE A00-0151--CV (JWS)
 "DAVID BERG ET AL V DAVID POPHAM ET AL"

Including terminated parties, excluding terminated counsel

Presiding Judge: The Honorable John W. Sedwick, U.S. District Judge

Magistrate Judge:

Referral Rule:

Filed: 05/26/00

Closed: NO

Jurisdiction: (3) Federal Question (US Govt not a Party)

PLF Diversity:

DEF Diversity:

Nature of Suit: (893) Environmental Matters

Origin: (2) Removed from State Court

Demand:

Filing fee: Paid \$150.00 on 05/26/00 receipt # 00111991

Trial by: Court

Parties of Record:

PLF 1.1 BERG, DAVID

PLF 2.1 BERG, MARGE

DEF 1.1 [T] POPHAM, DAVID

DEF 2.1 [T] POPHAM, TSUKIKO

DEF 3.1 [T] NORGE CORP, THE

DEF 4.1 [T] MAGIC CHEF CORP

DEF 5.1 [T] MAYTAG CORP

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
CIVIL DOCKET PARTY INFORMATION FOR CASE A00-0151--CV (JWS)
"DAVID BERG ET AL V DAVID POPHAM ET AL"

Including terminated parties, excluding terminated counsel

Parties of Record:

DEF 6.1 [T] ABC INC
DEF 7.1 [T] ABC CO
DEF 8.1 [T] ABC CORP

Counsel of Record:

No counsel found for this party!
No counsel found for this party!
No counsel found for this party!

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
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Trial by: Court

Document #	Filed	Docket text
1 - 1	05/26/00	DEF 5 Notice of Removal of case 3AN-00-4079 CI from State Crt w/att exhs (state crt docs).
2 - 1	05/26/00	DEF 5 Attorney Appearance of E. Fjelstad [Perkins].
3 - 1	05/26/00	DEF 5 Application re: non-resident attorney C. Angius.
4 - 1	05/26/00	DEF 5 Notice to plf of filing notice of removal w/att exhs.
5 - 1	05/26/00	DEF 5 Service List.
6 - 1	06/02/00	JWS Minute Order subsequent to removal; petitioner to file State crt record & svc list w/10 days. cc: cnsl
7 - 1	06/02/00	DEF 5 Unopposed Motion for ext of time until 06/19/00 for def 5 respond to complaint.
3 - 2	06/05/00	JWS Order granting mot of non-resident atty, C. Angius, to appear and participate. cc: cnsl, C. Angius
8 - 1	06/05/00	JWS Order granting mot at dkt 7. cc: cnsl
9 - 1	06/07/00	DEF 5 Notice of filing copies of State Crt records & proceedings in response to ord (4-1) w/att exhs.
10 - 1	06/14/00	DEF 1-2 Attorney Appearance of T. Melaney.
11 - 1	06/19/00	DEF 5 motion to dismiss complaint.
12 - 1	07/06/00	DEF 1-2 Answer to Complaint.
13 - 1	07/06/00	DEF 1-2 Jury Demand.
14 - 1	07/13/00	VACATED BY ORDER AT DKT 20: JWS Order granting motion to dismiss complaint (11-1); plfs' clms against DEFs 3-8 dism w/prej. cc: cnsl
15 - 1	07/19/00	PLF 1-2 motion to vacate 7/13/00 order dismissing plaintiffs' complaint w/att memo, affs and exhs.

For all filing dates

Document #	Filed	Docket text
16 - 1	07/20/00	JWS Minute Order that def Maytag file non-oppo or oppo to mot to vacate at dkt 15 by 7/28/00; reply due 8/2/00; clk to withhold entry of judg. cc: cnsl
17 - 1	07/20/00	PLF 1-2 Affidavit of T. Melaney re: PLF 1-2 motion to vacate 7/13/00 order dismissing plaintiffs' complaint (15-1).
18 - 1	07/31/00	PLF 1-2 opposition to DEF 5 motion to dismiss complaint (11-1).
19 - 1	08/03/00	DEF 5 non-opposition to PLF 1-2 motion to vacate 7/13/00 order dismissing plaintiffs' complaint (15-1) w/att aff and exhs.
20 - 1	08/04/00	JWS Minute Order granting motion to vacate 7/13/00 order dismissing plaintiffs' complaint (15-1); oppo to mot to dismiss will be considered; reply due w/i 5 business days from date of this ord. cc: cnsl
21 - 1	08/11/00	DEF 5 reply memo in support of DEF 5 motion to dismiss complaint (11-1).
22 - 1	08/11/00	DEF 5 Request for Oral Argument re: DEF 5 motion to dismiss complaint (11-1).
23 - 1	08/16/00	PLF 1-2 motion to certify question to the Alaska Supreme Court w/att mem.
24 - 1	08/28/00	PLF 1-2 Submission of Supplemental Authority in oppo to DEF 5 motion to dismiss complaint (11-1) w/att exhs.
25 - 1	09/01/00	DEF 5 opposition to PLF 1-2 motion to certify question to the Alaska Supreme Court (23-1).
26 - 1	09/06/00	JWS Minute Order setting o/a on mots at dkts 11 and 23 for 9/14/00 at 10:30 a.m.. cc: cnsl
27 - 1	09/07/00	DEF 5 Response to plf's submission of supplemental authority re: DEF 5 motion to dismiss complaint (11-1).
28 - 1	09/11/00	PLF 1-2 motion to allow supplement of factual information re: Maytag's Motion to dismiss w/att exhs.
29 - 1	09/12/00	DEF 1-2 Notice of non-participation (non-opposition) to DEF 5 motion to dismiss complaint (11-1).
29 - 2	09/12/00	DEF 1-2 noitce of non-participation (non-opposition) to PLF 1-2 motion to certify question to the Alaska Supreme Court (23-1).
30 - 1	09/14/00	PLF 1-2 Supplemental authority re: PLF 1-2 motion to certify question to the Alaska Supreme Court (23-1).
31 - 1	09/14/00	JWS Court Minutes [ECR: Pam Richter] re: o/a held 9/14/00; taking under advisement mot to dismiss cmplt (11-1), mot to certify question to the Alaska Supreme Court (23-1). cc: cnsl
32 - 1	09/14/00	PLF 1-2 motion for leave to file 2nd Amended Complaint w/att memo & proposed 2nd Amended Complaint.
33 - 1	09/18/00	DEF 5 opposition to PLF 1-2 motion for leave to file 2nd Amended Complaint (32-1).

For all filing dates

Document #	Filed	Docket text
34 - 1	09/19/00	PLF 1-2 reply to opposition to PLF 1-2 motion for leave to file 2nd Amended Complaint (32-1).
35 - 1	10/06/00	JWS Order denying mot to dismiss cmplt (11-1), mot to certify question to the Alaska Supreme Crt (23-1), mot to allow supplement of factual information re: Maytag's Mot (28-1); granting mot for leave to file 2nd Amended Cmplt (32-1). cc: cnsl
36 - 1	10/06/00	PLF 1-2 Complaint (2nd Amended).
37 - 1	10/10/00	JWS Minute Order re: initial case stat rpt/case S&P; Rule 16(b) rpt is due w/i 21 days. cc: cnsl
38 - 1	10/18/00	DEF 5 motion for extension of time until 11/16/00 to file a response to plaintiff's second amended complaint w/att declaration.
39 - 1	10/18/00	DEF 5 motion for shortened time re: motion to extend time to respond to second amended complaint.
40 - 1	10/19/00	Transcript of O/A on def's mot to dismiss & plfs' mot to certify held 09/14/00.
41 - 1	10/19/00	JWS Order granting mot for shortened time re: mot to extend time to respond to second amended cmplt (39-1); plf's oppo to mot for ext of time at dkt 38 is due 10/23/00; no reply to be fld. cc: cnsl
42 - 1	10/20/00	PLF 1-2 opposition to DEF 5 motion for extension of time until 11/16/00 to file a response to plaintiff's second amended complaint (38-1).
43 - 1	10/20/00	DEF 5 Notice of filing orig aff of A. Nichol re: DEF 5 motion for extension of time until 11/16/00 to file a response to plaintiff's second amended complaint (38-1), DEF 5 motion for shortened time re: 38-1 (39-1) w/att aff.
44 - 1	10/24/00	JWS Order granting mot for ext of time until 11/16/00 to file a response to plf's 2nd amended cmplt (38-1). cc: cnsl
45 - 1	10/31/00	PLF 1-2; DEF 1 16(b)&26(f) Status Report.
46 - 1	10/31/00	DEF 1-2; 5 16(b)&26(f) Initial Case Status Report.
47 - 1	11/09/00	JWS Scheduling and Planning Order setting pretrial deadlines: Original disc 11/30/01; Disp mots ddln 12/30/01; 10 day TBJ estimate; if ans to 2nd amended cmplt necessary it shall be fld w/i 10 days after crt's ord which renders ans necessary; disc will not be bifurcated; any party may file mot after close of disc but not more than 30 days after the close of disc which seeks bifurcated trial; all expert rpts to be delivered NLT 9/28/01. cc: cnsl
48 - 1	11/16/00	DEF 5 motion to dismiss the second amended complaint.
49 - 1	11/20/00	DEF 1-2 Answer to Second Amended Complaint.
50 - 1	11/28/00	DEF 5 Mot/Application re: non-resident attorney A. Nichol to appear.
50 - 2	11/30/00	JWS Order granting appl of non-resident atty, A. Nichol, to appear and participate. cc: cnsl, A. Nichol

For all filing dates

Document #	Filed	Docket text
51 - 1	11/30/00	DEF 5 motion to recover costs & supporting memorandum w/att aff of C. Angius & exhs.
52 - 1	12/01/00	PLF 1-2 Unopposed Motion for ext of time until 12/15/00 for plf's to file response to def 5 mot to dismiss; def 5 reply due 01/05/01.
52 - 2	12/06/00	Order granting stip at 51-1. cc: cns1
53 - 1	12/15/00	PLF 1-2 Unopposed Motion for 3 day ext of time for plf to file oppo to def 5 mot to dismiss & 3 day ext for def 5 reply to oppo.
53 - 2	12/18/00	Order granting stip at 53-1. cc: cns1
54 - 1	12/18/00	PLF 1-2 motion for 1 day extension to file opposition brief.
54 - 2	12/20/00	JWS Order granting motion for 1 day extension to file opposition brief (54-1) to 12/19/00. cc: cns1
55 - 1	12/20/00	PLF 1-2 opposition to DEF 5 motion to dismiss the second amended complaint (48-1) w/att exhs.
56 - 1	12/20/00	PLF 1-2 motion to allow filing of a faxed affidavit of D. Berg (at #55).
57 - 1	12/20/00	PLF 1-2 Errata to oppo re: DEF 5 motion to dismiss the second amended complaint (48-1) w/att exh.
58 - 1	12/20/00	PLF 1-2 motion for leave to file 3rd amended complaint w/att memo & proposed complaint & exh.
59 - 1	01/04/01	JWS Minute Order granting motion to recover costs (51-1); Walther & Flanigan to pay Maytag Corp \$15,309.50 w/i 15 days; costs not to be charged to plfs. cc: cns1
60 - 1	01/04/01	PLF 1-2; DEF 5 Stipulation for ext of time until 01/15/01 for def 5 to file reply to pls' oppo to mot to dismiss 2nd amended complaint & to file oppo to plfs' mot for leave to file 3rd amended complaint.
60 - 2	01/05/01	Order granting stip at 60-1. cc: cns1
61 - 1	01/16/01	JWS Minute Order granting mot to allow filing of a faxed aff (56-1); properly executed original to be fld as soon as reasonably possible. cc: cns1
62 - 1	01/16/01	DEF 5 Request for Oral Argument re: DEF 5 motion to dismiss the second amended complaint (48-1).
63 - 1	01/16/01	DEF 5 reply to opposition to DEF 5 motion to dismiss the second amended complaint (48-1).
64 - 1	01/16/01	DEF 5 opposition to PLF 1-2 motion for leave to file 3rd amended complaint (58-1).
65 - 1	01/18/01	JWS Minute Order setting o/a on mot to dismiss 2nd amended cmplt on 3/14/01 at 8:30 a.m.; 15 min per side. cc: cns1
66 - 1	01/18/01	PLF 1-2 motion to vacate cost award w/att memo, aff and exhs.

For all filing dates

Document #	Filed	Docket text
66 - 2	01/18/01	PLF 1-2 motion for leave to file opposition to Maytag's motion for cost recovery w/att memo, aff, exhs and prop oppo.
67 - 1	01/19/01	PLF 1-2 Errata re: PLF 1-2 mot to vacate cost award (66-1), PLF 1-2 mot for leave to file opposition to Maytag's motion for cost recovery (66-2) .
68 - 1	01/22/01	PLF 1-2 reply to opposition to PLF 1-2 motion for leave to file 3rd amended complaint (58-1) .
69 - 1	01/23/01	PLF 1-2 Affidavit (original) of Dave Berg re:oppo to DEF 5 motion to dismiss the second amended complaint (48-1) .
70 - 1	02/02/01	DEF 5 oppo to PLF 1-2 mot to vacate cost award (66-1), PLF 1-2 mot for leave to file oppo to Maytag's mot for cost recovery (66-2) .
71 - 1	02/07/01	PLF 1-2 reply to opposition to PLF 1-2 motion for leave to file opposition to Maytag's motion for cost recovery (66-2) w/att aff.
72 - 1	02/22/01	JWS Order denying motion to vacate cost award (66-1), motion for leave to file opposition to Maytag's motion for cost recovery (66-2); Berg's cnsl shall make payment w/in 10 days from date of this order. cc: cnsl
73 - 1	03/12/01	DEF 1-2 Notice of non-participation in o/a on mot to dismiss set 3/14/01.
74 - 1	03/14/01	JWS Court Minutes [ECR: Pat Earl] re: o/a held 3/14/01 on mot to dismiss 2nd amended cmplt; taking u/a mot to dismiss second amended cmplt (48-1) .
75 - 1	03/16/01	JWS Order denying mot for leave to file 3rd amended cmplt (58-1); granting/denying mot to dismiss the 2nd amended cmplt (48-1) . cc: cnsl
76 - 1	03/28/01	JWS Minute Order reminding parties to file ans to 2nd amended cmplt 10 days from ord at dkt 75 rendering ans appropriate; defs have 10 days from svc of this ord to file ans. cc: cnsl
77 - 1	04/06/01	DEF 1-2 Notice of filing amended ans to plf's 2nd amended cmplt.
78 - 1	04/06/01	DEF 1-2 Answer (Amended) to 2nd amended cmplt.
79 - 1	04/11/01	DEF 5 motion for judgment on the pleadings.
80 - 1	04/11/01	DEF 5 Answer to 2nd Amended Complaint.
81 - 1	04/26/01	PLF 1-2 Unopposed Motion for ext of time until 5/15/01 to file oppo to Maytag's mot for judg on pleadings and until 6/5/01 for Maytag to file reply to oppo.
81 - 2	04/27/01	Order granting unoppo mot. cc: cnsl
82 - 1	05/15/01	PLF 1-2 opposition to DEF 5 motion for judgment on the pleadings (79-1) w/att exhs.
83 - 1	06/05/01	Stipulation for ext of time until 6/6/01 to file for Maytag Corp to file reply to mot for judg on pleadings.

For all filing dates

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83 - 2	06/06/01	Order approving stip. cc: cnsl
84 - 1	06/06/01	DEF 5 Request for Oral Argument re: DEF 5 motion for judgment on the pleadings (79-1) .
85 - 1	06/06/01	DEF 5 reply to opposition to DEF 5 motion for judgment on the pleadings (79-1) .
86 - 1	06/26/01	JWS Order granting motion for judgment on the pleadings (79-1) . cc: cnsl
87 - 1	07/02/01	DEF 5 Notice of intent to associate w/cnsl J.D. Loescher.
88 - 1	07/02/01	DEF 5 Stipulation for Attorney Substitution of J.D. Loescher for E. Fjelstad.
89 - 1	07/02/01	DEF 5 motion to approve substitution of counsel.
89 - 2	07/03/01	JWS Order granting motion to approve substitution of counsel (89-1) . cc: cnsl
90 - 1	07/03/01	DEF 5 motion for entry of judgment pursuant to FRCP 54(b) .
91 - 1	07/06/01	PLF 1-2 non-opposition to DEF 5 motion for entry of judgment pursuant to FRCP 54(b) (90-1) .
92 - 1	07/11/01	PLF 1-2 non-opposition to DEF 5 motion for entry of judgment pursuant to FRCP 54(b) (90-1) .
93 - 1	07/27/01	JWS Judgment granting motion for entry of judgment pursuant to FRCP 54(b) (90-1) ; clms against DEF 3-8 are dism w/prej. cc: cnsl, O&J 11161
94 - 1	08/08/01	DEF 5 motion for award of attorney fees w/att aff and exhs.
95 - 1	08/17/01	PLF 1-2 appeal to 9CCA of (93-1) filed 07/27/01. cc:cnsl, Judge Sewick, 9CCA
96 - 1	08/17/01	PLF 1-2 Transcript Designation/Order Form re: notice of appeal (95-1) . cc:ecr(w/trans order form)
NOTE - 1	08/20/01	Transmittal: Forwarded notice of appeal (95-1) to 9CCA.
97 - 1	08/23/01	PLF 1-2 opposition to DEF 5 motion for award of attorney fees (94-1) w/att exh.
98 - 1	09/04/01	Cy 9CCA Time Schedule Order. (95-1) cc:cnsl, ECR, Judge Sedwick
98A- 1	09/04/01	DEF 5 reply to opposition to DEF 5 motion for award of attorney fees (94-1) w/att exhs.
99 - 1	09/05/01	Cy 9CCA Time Schedule Order. (95-1) cc:cnsl, Judge Sedwick, ECR
100 - 1	09/14/01	JWS Order denying motion for award of attorney fees (94-1) . cc: cnsl
101 - 1	10/19/01	Transcript of hearing on Oral Argument held 03/14/01 re: notice of appeal (95-1) .

For all filing dates

Document #	Filed	Docket text
102 - 1	10/19/01	Cy 9CCA Certificate of Record. (95-1) cc: cns1, Judge Sedwick, 9CCA(original)
103 - 1	10/24/01	Copy of Order from 9CCA that USDC motion for ext of time is GRANTED. (95-1) cc:cns1, Judge Sedwick, B. Boyer
104 - 1	11/19/01	Stipulation to extend close of disc until 8/17/02.
105 - 1	11/28/01	JWS Order approving stip to extend close of disc until 8/17/02 & disp mot ddln to 08/14/02 (104-1). cc: cns1
106 - 1	12/21/01	DEF 5 motion for withdrawal and substitution of cns1: A. Nichol and Perkins Coie LLP to w/d and C. Angius & J. Loescher will continue to represent DEF 5. cc: cns1, A. Nichol
107 - 1	05/31/02	PLF 1-2 Final Witness List.
108 - 1	06/03/02	DEF 1-2 Final Witness List.
109 - 1	06/03/02	PLF 1-2; DEF 1-2 Stipulation to extend disc ddlns of final fact wit list and final expert wit list until 6/21/02.
110 - 1	06/04/02	JWS Order granting stip to extend disc ddlns of final fact wit list and final expert wit lists (109-1). cc: cns1
NOTE - 2	06/13/02	Transmittal: Forwarded D.C. record to 9CCA consisting of 5 original volmes.
111 - 1	06/26/02	PLF 1-2; DEF 1-2 Stipulation for ext of time until 7/12/02 for disclosure of expert wit lists and rpts.
112 - 1	06/27/02	JWS Order approving stip for ext of time until 7/12/02 for disclosure of expert wit (111-1). cc: cns1
113 - 1	07/12/02	PLF 1-2; DEF 1-2 Stipulation to continue disc ddlns: final fact wit lists de 7/31/02; final expert wit lists due 7/31/02.
113 - 2	07/24/02	Order approving stip to continue disc ddlns: final fact wit lists due 7/31/02; final expert wit lists due 7/31/02; all other pretrial disc ddlns remain (113-1). cc: cns1
114 - 1	07/31/02	DEF 1-2 motion to continue pre-trial deadlines w/att memo and exhs.
115 - 1	08/01/02	JWS Order granting mot to continue pre-trial ddlns (114-1): disc to close 11/18/02; disp mots ddln 11/14/02. cc: cns1
116 - 1	08/01/02	Stipulation and Order of substitution of J. Loescher (sole practitioner) for J. Loescher (Hughes, Thorsness) for DEF 5. cc: cns1
117 - 1	10/24/02	PLF 1-2; DEF 1-2 Stipulation to continue pre-trial ddlns by 90 days.
118 - 1	10/28/02	JWS Order granting stip to continue pre-trial ddlns by 90 days (117-1); Disc to close 02/18/03; Disp mots ddln 03/18/03. cc: cns1
119 - 1	01/30/03	DEF 1-2 Stipulation for 90-day extension of PT deadlines

For all filing dates

Document #	Filed	Docket text
120 - 1	01/31/03	JWS Order granting stipulation for 90-day extension of PT deadlines (119-1) & setting the following dates: Discovery to close 05/01/03; Dispositive motions deadline 06/01/03. cc: cns1
121 - 1	02/03/03	PLF 1-2 Status Report.
122 - 1	02/11/03	JWS Minute Order that closing papers or stat rpt is due within 30 days from the date of this order; if crt receives neither closing papers nor a rpt, crt will assume parties have settled and case will be dism; trial date if set vacated and all pending mots denied as moot w/leave to renew if case is not dism. cc: cns1
123 - 1	03/12/03	PLF 1-2 Report re: settl.
124 - 1	03/20/03	JWS Minute Order that plfs file stat rpt re: settl w/i 45 days if closing papers aren't sooner fld. cc: cns1
125 - 1	03/21/03	PLF 1-2; DEF 1-2 Stipulation for dismissal w/prej.
125 - 2	03/24/03	JWS Order granting stip for dismissal w/prej as to defs Popham (125-1). cc: cns1
126 - 1	09/30/03	DEF 5 Attorney Substitution of C. Angius w/Bullivant Houser Bailey to C. Angius w/Holland & Knight. cc: cns1
127 - 1	12/01/03	PLF 1-2 Status Report.
128 - 1	12/04/03	JWS Minute Order that updated stat rpt due 6/30/04. cc: cns1
129 - 1	06/30/04	PLF 1-2 Status Report.
130 - 1	07/06/04	JWS Minute Order that plf file updated stat rpt when Ak Supreme Crt issues its decision. cc: cns1
131 - 1	01/24/05	PLF 1-2 Status Report.
132 - 1	01/27/05	JWS Minute Order that updated stat report due on the earlier of a) issuance of decision by AK Supreme court or b) 6/6/05. cc: cns1
133 - 1	06/27/05	PLF 1-2 Status Report w/att exh.
NOTE - 3	07/25/05	Notation (re: Appeal): D.C. record from 9CCA consisting of 5 original volumes.
134 - 1	07/25/05	9CCA Judgment re: notice of appeal (95-1) that the district court's decision is VACATED AND REMANDED in part, AFFIRMED in part; DISMISSED in part. Parties shall bear their own costs on appeal w/att memo. cc: cns1, Judge Sedwick
135 - 1	07/29/05	JWS Minute Order that cns1 file joint rpt re: concluding case w/prop sched; rpt due 9/2/05. cc: cns1
136 - 1	09/02/05	PLF 1-2 Report re: parties S&P rpt.
137 - 1	09/12/05	DEF 4 Corporation Disclosure Statement.

For all filing dates

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138 - 1	09/15/05	JWS Scheduling and Planning Order setting pretrial ddlns: disc to close 03/23/07; dispositive mots ddln 04/30/07; 8 day TBC estimate. cc: cnsl
139 - 1	09/22/05	JWS Minute Order correcting signature date on S&P ord @ dkt 138 to read 9/14/05. cc: cnsl
140 - 1	09/22/05	DEF 5 motion of non-resident attorney, S. Row, to appear & participate pro hac vice in US District Court for the District of Alaska w/att decla & exh.
140 - 2	09/26/05	RRB Order granting mot of non-resident atty, S. Row, to appear & participate pro hac vice (140-1). cc: cnsl, S. Row
141 - 1	10/14/05	PLF 1-2 motion to amend complaint w/att memo & prop 4th amended complaint.
142 - 1	10/28/05	DEF 5 opposition (response) to PLF 1-2 motion to amend complaint (141-1).
143 - 1	11/15/05	DEF 1-2 Notice of non-participation.